

### **REMARKS/ARGUMENTS**

In response to the Examiner's objection that the expression "a fixed-position wireless transmitter" adds new subject matter into the disclosure contrary to 35 U.S.C. 132(a), applicant offers the following comments.

The term "a fixed-position wireless transmitter" is recited in present claims 12 to 44, claims 52, 55, 58, 62, 69, 70, 86, 87, 88, 106 and 107.

As indicated in applicant's response letter of 13<sup>th</sup> April, 2007, the term "a fixed-position wireless transmitter" is supported, for example, by the description in the paragraph bridging pages 42 and 43. Specifically, this paragraph states as follows:

"The transmitter, receiver, control system and method of communication control according to embodiments of the present invention may be implemented in any wireless communication system, including fixed transmitter and receiver systems, and broadband wireless systems for example operating at micro-wave frequencies at or above 2GHz." (emphasis added)

Clearly, the reference to "fixed transmitter and receiver systems" in this paragraph means fixed-position transmitter and receiver systems, as would readily be understood by a person skilled in the art and is used to differentiate fixed-position transmitter and receiver systems from mobile transmitter and receiver systems. Accordingly, applicant submits that at least the paragraph bridging pages 42 and 43 cited above provides explicit support for the term "fixed-position wireless transmitter" recited in the claims.

Furthermore, the specification is replete with examples of wireless communication systems having fixed-position wireless transmitters and receivers. For example, page 22, lines 18 to 25 provides an example where a base station is a receiver and the transmitters are provided by customer premises equipment (CPEs). Page 25, lines 5 to 8 provides a further example in which a wireless transmitter comprises a base station. Page 27, lines 13 to 28

provides a further example of a wireless communication system between a base station and customer premises equipment. Figure 7 and its related description from page 28, line 28 to page 29, line 13 provides a specific example of a wireless communication network which includes first and second base stations each of which serves a respective plurality of wireless transceiver nodes each located at a customer premises (CPE). Figure 8 and its related description from page 34, line 11 to page 35, line 19 provides a further example of a wireless communication system between a base station and transceivers located at customer premises, specifically equipment installed in a small office home office (SOHO) and a small or medium enterprise (SME). Clearly, these are all examples of communication systems having fixed-position wireless transmitters and receivers.

Applicant submits that for at least these reasons, the term “fixed-position wireless transmitter” is fully supported by the specification as originally filed and fully complies with 35 U.S.C. 132(a).

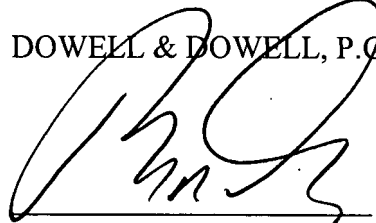
The Examiner has indicated that as the amendment to the claims specifying “a fixed-position wireless transmitter” has necessitated a new ground of rejection, the Office Action has been made final. However, as indicated above, the applicant submits that the amendment objected to is fully supported by the specification as originally filed and does not add new subject matter and that the application fully complies with 35 U.S.C. 132(a). Applicant therefore submits that making the Office Action final is improper and hereby requests the Examiner to withdraw the final Office Action.

In the event that the Examiner is minded not to withdraw the final Office Action, applicant hereby requests an Advisory Action indicating that all of the claims are allowable.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'R. A. Dowell', written over a horizontal line.

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